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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed on February 25, 2005. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected. By this response, all claims continue unamended.

In view of the following discussion, the Applicants submit that all of the claims now pending in the application are not anticipated and non-obvious under 35 U.S.C. §102 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §102 Rejections

Claims 1-21

The Examiner has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by Maddocks et al. (U.S. Patent US 6,483,616 B1, hereinafter "Maddocks"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites (independent claims 10, 16 and 20 recite similar limitations):

"A method, comprising:
reducing the power level of an optical signal propagating in an optical transmission line in response to the absence of a counter-propagating supervisory signal."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220

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USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Maddocks reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

The Maddocks reference discloses from column 2, lines 56-62:

The fibre 5 carries a unidirectional signal from switching unit 1 to switching unit 2. The similar optical fibre 6 carries a unidirectional signal from switching unit 2 to switching unit 1, and it has associated with it an amplifier 15, supervisory insert unit 16, optical couplers 32 and 33, supervisory extract unit 17 and amplifier 18 in an analogous manner.

As shown in the figure and described in the reference, Maddocks has two unidirectional optical paths. Each path includes supervisory signal which travels along the optical path in the same direction as the optical signal. Nowhere in Maddocks is there any teaching, or even suggestion, of a counter-propagating supervisory signal.

As shown in FIG. 2 and page 6, lines 18-29, the present invention employs a counter-propagating supervisory signal 114. It travels in the opposite direction of the optical signal. The present invention allows for power reduction to occur substantially at the same time. In prior arrangements, such as with Maddocks, the downstream network element has to notify the upstream element. This means handshaking between two network elements is necessary, which slows the response of the system. Present safety standards require faster shutdown time as the optical power levels have increased.

Because Maddox uses a co-propagating supervisory signal and does not disclose a counter-propagating supervisory signal, it is impossible for Maddocks to reduce the power level in response to the absence of a counter-propagating supervisory signal (emphasis added). Therefore, the Maddocks reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, the Applicants submit that independent claims 1, 10, 16 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-9, 11-15, 17-19 and 21 depend, either directly or indirectly, from independent claims 1, 10, 16 and 20 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the

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requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.


CONCLUSION

Thus, the Applicants submit that all of the claims presently in the application are definite under 35 U.S.C. §112, and are not anticipated and non-obvious in accordance with the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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